

MEMO ENDORSED

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DEC - 7 2009

JUDGE LEWIS A. KAPLAN'S CHAMBERS

Via Fax (212) 805-7910

December 7, 2009

Hon. Lewis Kaplan
United States District Court
Southern District
500 Pearl Street
New York, NY 10007

Re: China National Chartering Corp. v. Pactrans Air & Sea, Inc.
Docket No. 06-13107

Dear Judge Kaplan:

I am the attorney for the Defendant, Pactrans Air & Sea, Inc. ("Pactrans") in the above-referenced matter. Upon prior approval from Mr. Andrew Mohan, this letter is sent to the Court via facsimile.

On or about November 19, 2009, Pactrans filed an Order to Show Cause to reargue and/or reconsider the Court's Order of November 13, 2009 confirming a foreign arbitration and the Judgment entered thereon on November 16, 2009 and to dismiss the action for lack of jurisdiction. Such Order to Show Cause has been adjourned to December 7, 2009 at 2:15 PM before this Court.

In light of Pactrans' appeal from such Order and the Judgment filed with the Court of Appeals for the Second Circuit and this Court's *sua sponte* order to show cause to dismiss the action dated October 28, 2009 which has been duly briefed, I am writing to withdraw Pactrans' instant Order to Show Cause returnable December 7, 2009.

Pactrans' intention to withdraw such Order to Show Cause has been conveyed to Plaintiff's counsel this morning. Plaintiff counsel would not consent to such withdrawal but failed to appear this afternoon. It is respectfully requested that such Order to Show Cause be withdrawn, such matter be removed from the Court's calendar of December 7, 2009.

Respectfully submitted,

Bill X. Zou

Cc: Patrick Lennon
Via Fax: (212) 490-6070

AS ORDERED
Motion withdrawn

LEWIS A. KAPLAN, USDJ

12/7/09